

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:03-CR-10321-001-RWZ
)	
MAKISM ELENTUKH,)	
)	
Defendant.)	
)	
<i>and</i>)	
)	
EMPOWER,)	
)	
Garnishee.)	

ASSENTED-TO APPLICATION FOR WRIT OF GARNISHMENT

Pursuant to 28 U.S.C. § 3205(b)(1)¹, the Federal Debt Collection Procedures Act, the United States of America (hereinafter “United States”) petitions the Clerk of the United States District Court to issue a Writ of Garnishment upon all funds which Empower, located in Greenwood Village, CO, is believed to be in possession or control of on behalf of the Defendant, Makism Elentukh, (hereinafter “Elentukh”) whose last known address is in Norwood, MA, to satisfy to satisfy a judgment entered against Elentukh on March 29, 2005. The Defendant assents to this application.

¹ Under 28 U.S.C. § 3205(b)(1), the United States files an application for writ of garnishment containing information specified therein. If the Court determines the statutory requirements are met, the Court shall issue the writ of garnishment. 28 U.S.C. § 3205(c)(1). After issuance of the writ, the United States serves the writ on the defendant and the garnishee and certifies to the Court that it has done so. 28 U.S.C. § 3205(c)(3). Included with the service of the writ on the garnishee are instructions explaining the requirement that the garnishee withhold property in accordance with the writ and submit a written answer to the writ within 10 days of receipt. 28 U.S.C. §§ 3205(c)(2)(E), 3205(c)(3)(A), 3205(c)(6). Included with the service of the writ on the defendant are instructions for objecting to the answer of the garnishee and requesting a hearing within 20 days after receipt. 28 U.S.C. §§ 3205(c)(3)(B), 3205(c)(5). If no objection is filed and hearing is requested within the required time period, the court shall promptly enter an order directing the garnishee as to the disposition of the judgment debtor’s nonexempt interest in such property. If a hearing is timely requested, the order shall be entered within 5 days after the hearing, or as soon as practicable. 28 U.S.C. § 3205(c)(7).

In support, the United States sets forth the following:

1. On March 29, 2005, a Judgment in a Criminal Case entered in the United States District Court for the District of Massachusetts against Elentukh, social security number ***-**-5872, last known address in Norwood, MA.
2. Elentukh is indebted for the judgment amount of \$26,700.00, plus accrued interest at the rate of 3.38 percent per annum. The current total balance is \$18,799.82.
3. The Defendant has informed the United States that he has a Section 401(k) Plan in his name at Empower. The Defendant and the government understand that there is approximately \$68,945.56 in that account in which the Defendant has a substantial nonexempt interest. The Defendant wishes to use funds from the 401(k) to satisfy his outstanding criminal monetary penalties. The government agrees that any mandatory withholding, estimated taxes or penalties owed in connection with the withdrawal of the funds from the 401(k) should be paid from the funds in the 401(k).
4. The Defendant agrees to waive his right to receive written notice and his right to request a hearing or to claim exemptions. See 28 U.S.C. §§ 3205(c)(3)(B), 3205(c)(5).
5. This Writ is intended to compel the Garnishees to pay to the Clerk of the United States District Court \$18,799.82 held on behalf of the Defendant to be applied towards the outstanding judgment debt, and satisfy any mandatory withholding, estimated taxes, and penalties in connection with this withdrawal from the balance of the Defendant's 401(k) account.

WHEREFORE, the United States respectfully requests the Clerk of the United States District Court issue a Writ of Garnishment.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

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Assented to by: 
MAKISM ELENTUKH

Date: April 10, 2025

IT IS, on this _____ day of _____ 20_____.

ALLOWED, that the Clerk of the Court shall issue the Writ of Garnishment.

UNITED STATES DISTRICT COURT